

EXHIBIT 4

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December 19, 2018

VIA EMAIL

Claudia T. Salomon
LATHAM & WATKINS
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***Re: National Association for the Advancement of Colored People, Spring Valley
Branch v. East Ramapo Central School District, No. 17-cv-8943.***

Dear Counsel:

This will respond to your December 13, 2018 letter regarding Plaintiffs' request for documents from the discovery record in the case *Montesa et al. v. Schwartz et al.*, No. 12-cv-6057 (S.D.N.Y.) (hereinafter "*Montesa*").

Your restated discovery request remains vague, ambiguous, overbroad, and unreasonable. The restated request seeks "all documents" from the *Montesa* discovery record "related" to the NAACP of Spring Valley and 45 other individuals, including several of the District's past and present school board members, the District Clerk, several of the District's state-appointed fiscal monitors, and the District's superintendent. We aren't certain what you mean by the word "related" in this context, but it seems likely that all or nearly all of the documents in the *Montesa* discovery record would at least "relate" in some way to one or more of the listed individuals.

For example, *all official documents* created or maintained by the District arguably "relate" to the District Clerk, who is responsible for creating and maintaining such documents. Likewise, all or nearly all of the documents in the *Montesa* discovery record that were produced by the plaintiffs in that case likely would "relate" to Steve White, considering that he was the lead plaintiff in that action. As a result, it appears to us that you have -- once again -- simply requested production of the entire *Montesa* discovery record using different words. This is improper because, as the Court held, "to request a document dump, essentially, of all the document discovery produced in *Montesa* is overburdensome." Sept. 20 Hr'g Tr. at 21:19–20. As a result, all of our objections to your request still stand.

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However, setting aside your improper and overbroad discovery request, your clarification that you are not seeking any confidential student records, and your provision of a list of proposed search queries, are both helpful limitations. We have reviewed your proposed list of search queries and it seems generally reasonable to us.¹

Accordingly, we propose as follows:

- **Plaintiffs should bear the data recovery and hosting fees.** As you know, we don't believe that the *Montesa* discovery record is relevant to this action and, but for your discovery request, the District would not expend any of its scarce resources to recover, review, or search the *Montesa* discovery record. Under the circumstances, we think it appropriate for Plaintiffs to bear the cost of recovering the *Montesa* record from cold storage, and the associated data hosting fees. The estimated cost to "thaw out" the data is around \$2,000, and the monthly hosting fee would be approximately \$1,000 for at least 40.95 GB of data. (These figures may be subject to change as we further correspond with the vendor.)
- **If you agree to pay the data costs, we will run your proposed search queries and produce the hits.** Once the *Montesa* record has been thawed and uploaded to a review database, we'll run your proposed search queries. We'll then do a targeted review of the documents that hit on your search queries just to remove any confidential student records or other statutorily protected records. That review should be relatively straightforward, because we can just search for and remove documents with redactions and/or that are marked "highly confidential." Once that process is complete, we'll produce to you the remaining document set.

If our proposal is acceptable, please advise, and we'll get the process started.

Sincerely,

/s David J. Butler
David J. Butler

cc: Plaintiffs' Counsel of Record

¹ We're not sure at this time whether our vendor's search process would return documents responsive to a search string in the format "first name /3 last name" in response to a search run with the search string in the format "last name /3 first name." However, that shouldn't be a problem—if it doesn't, then we'll just instruct our vendor to search for both "first name /3 last name" and its reverse "last name /3 first name" for each of your proposed search queries.